

COPY

Defendants.

Raleigh, North Carolina

DEPOSITION of THOMAS MARROW, a witness
herein, called for examination by counsel for
Plaintiff in the above-entitled matter, pursuant to
notice, the witness being duly sworn by VALERIE
SMITH GREEN, Court Reporter and Notary Public in and

<p style="text-align: right;">2</p> <p>1 for the State of North Carolina, taken at Cranfill, 2 Sumner & Hartzog, LLP, 5420 Wade Park Boulevard, 3 Suite 300, Raleigh, North Carolina, at 9:36 a.m., on 4 Tuesday, October 28, 2008, and the proceedings being 5 taken down by stenotype by VALERIE SMITH GREEN and 6 transcribed under her direction.</p> <p>7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25</p>	<p style="text-align: right;">4</p> <p style="text-align: center;">C O N T E N T S</p> <p>2 THE WITNESS EXAMINATION BY COUNSEL FOR 3 THOMAS MARROW: Plaintiff Defendants 4 By MS. RICE: 7 5 By Ms. Davis: 150 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25</p> <p style="text-align: center;">E X H I B I T S</p> <p>9 EXHIBIT NO. PAGE NO. 10 88 - Memo from Oxford Police Department to Thomas Marrow dated January 10, 2006 128 11 12 89 - Defendant Marrow's response to plaintiff's first set of requests 134 13 90 - Memo from Chief Wolford to Tommy Marrow dated August 24, 2004 143 14 15 16 17 18 19 20 21 22 23 24 25</p> <p style="text-align: center;">***CONFIDENTIAL***</p> <p>19 Beginning Confidential Portion Page 52, Line 12 20 Ending Confidential Portion Page 112, Line 17 21 22 Beginning Confidential Portion Page 142, Line 6 23 Ending Confidential Portion Page 153, Line 17 24 25</p>
<p style="text-align: right;">3</p> <p>1 APPEARANCES: 2 On behalf of the Plaintiff: 3 SHELLI HENDERSON RICE, ESQ. 4 CHARLES E. MONTEITH, JR., ESQ. 5 Monteith & Rice, PLLC 6 422 St. Mary's Street, Suite 6 7 Raleigh, North Carolina 27605 8 (919) 821-2053 9 10 On behalf of the Defendants: 11 M. ROBIN DAVIS, ESQ. 12 Cranfill, Sumner & Hartzog, LLP 13 5420 Wade Park Boulevard, Suite 300 14 Raleigh, North Carolina 27607 15 (919) 828-5100 16 17 ALSO PRESENT: 18 Sharon B. Iglesias - Plaintiff 19 Tom Burnette 20 21 22 23 24 25</p>	<p style="text-align: right;">5</p> <p style="text-align: center;">S T I P U L A T I O N S</p> <p>2 It was stipulated by and between counsel 3 representing the respective parties, and the witness, 4 as follows: 5 1. That any defect in the notice of the taking 6 of this deposition, either as to time or place, or 7 otherwise as required by statute is expressly waived, 8 and this deposition shall have the same effect as if 9 formal notice in all respects as required by statute 10 had been given and served upon the counsel in the 11 manner prescribed by law. 12 2. That this deposition shall be taken for the 13 purpose of discovery or for use as evidence in the 14 above-entitled actin, or for both purposes. 15 3. That this deposition is deemed opened and all 16 formalities and requirements with respect to the 17 opening of the same, expressly including notice of 18 the opening of this deposition, are hereby waived, and 19 this deposition shall have the same effect as if all 20 formalities in respect to the opening of the same had 21 been complied with in detail. 22 4. That the undersigned, Valerie Smith Green, 23 Court Reporter and Notary Public in and for the State 24 of North Carolina, is duly qualified and constituted to 25 take this deposition.</p>

<p style="text-align: right;">6</p> <p>1 5. Objections to questions, except as to the 2 form thereof, and motions to strike answers need not 3 be made during the taking of this deposition, but may 4 be reserved until any pretrial hearing held before any 5 judge of any court of competent jurisdiction for the 6 purpose of ruling thereon, or at any other hearing or 7 trial of said case at which said deposition might be 8 used, except that an objection as to the form of a 9 question must be made at the time such a question is 10 asked or objection is waived as to the form of the 11 question. 12 6. That the witness will reserve the reading and 13 signing of the transcript to the deposition. 14 7. That the Federal Rules of Civil Procedure 15 shall control concerning the use of the deposition in 16 court. 17 18 19 20 21 22 23 24 25</p>	<p style="text-align: right;">8</p> <p>1 I'm going to ask you to just listen to the 2 question. If you don't understand what I'm asking 3 just let me know and I'll be happy to try -- 4 A Okay. 5 Q -- and rephrase it. 6 A Okay. 7 Q Please as much as possible try and give 8 verbal responses for the court reporter's 9 purposes. In other words, try to avoid nodding or 10 nonverbal gestures. 11 A Okay. 12 Q If you need to take a break at any 13 point in time please let me know and we'll do so 14 as soon as possible. 15 A Okay. 16 Q And let me just ask you are you taking 17 any medication that might affect your ability to 18 tell the truth today? 19 A No. 20 Q Is there any other reason why you 21 wouldn't be able to answer the questions -- 22 A No. 23 Q -- that I'm going to ask you today 24 truthfully? 25 A No.</p>
<p style="text-align: right;">7</p> <p>1 PROCEEDINGS 2 Whereupon, 3 THOMAS MARROW, 4 was called as a witness by counsel for the Plaintiff, 5 and having been duly sworn by the Notary Public, was 6 examined and testified as follows: 7 EXAMINATION BY COUNSEL FOR PLAINTIFF 8 BY MS. RICE: 9 Q Good morning, Mr. Marrow. 10 A Good morning. 11 Q We just introduced ourselves off the 12 record but I'm going to do it for the record as 13 well. 14 A Okay. 15 Q My name is Shelli Rice and I'm one of 16 the two attorneys that's representing Ms. Iglesias 17 in this matter and my co-counsel sitting to my 18 right is Chuck Monteith. 19 I just have a couple of preliminary 20 questions for you. Have you been deposed before? 21 A No. 22 Q Are you familiar with how a deposition 23 works? 24 A Yes. 25 Q I'm going to ask you some questions and</p>	<p style="text-align: right;">9</p> <p>1 Q Just a little bit of background 2 information. Could you describe your educational 3 experience for me? 4 A I have a degree in urban regional 5 planning from East Carolina University. 6 Q And when did you graduate from East 7 Carolina? 8 A '78. 9 Q Is that a four-year degree? 10 A Yes. 11 Q A B.A. or a B.S.? 12 A B.S. A Minor in geography. 13 Q A Minor in geography? 14 A Yes, it's important to get around. 15 Q Yes, it is. 16 And any postgraduate education? 17 A No. 18 Q What was your first employment 19 following college graduation? 20 A City of Henderson. 21 Q What was your job with the City of 22 Henderson? 23 A Planning, zoning, building inspections. 24 Q What was your job title with the City 25 of Henderson?</p>

10

1 A Depends on which day it was.
 2 Q Did it change?
 3 A Well, yeah. Probably zoning
 4 administrator.
 5 Q How long were you with the City of
 6 Henderson?
 7 A Four years.
 8 Q Always same job duties?
 9 A Yeah, yes.
 10 Q And following your employment with the
 11 City of Henderson where did you next work?
 12 A It's called Kerr Tar Regional Council
 13 of Governments, short version is Region K.
 14 Q Region K?
 15 A K, yeah. Like 18 regions in North
 16 Carolina and I was Region K. It's a five county
 17 planning organization.
 18 Q And how long were you at Region K?
 19 A Approximately seven years.
 20 Q What was your job position with Region
 21 K?
 22 A Again, planning work and my title, I
 23 guess, was economic development director.
 24 Q The whole time you were with Region K
 25 was that your title?

11

1 A Uh-huh.
 2 Q And following your employment with
 3 Region K where did you next work?
 4 A City of Oxford.
 5 Q What was your job position with -- when
 6 you were hired with the City of Oxford?
 7 A When I was hired assistant city
 8 manager.
 9 Q Who hired you with the City of Oxford?
 10 A The current town city manager Tom
 11 Ragland.
 12 Q When was that that you were first
 13 hired?
 14 A 1991.
 15 Q How long were you assistant city
 16 manager?
 17 A '91 to like January of '95.
 18 Q What happened in January of 1995?
 19 A Mr. Ragland retired and I became city
 20 manager.
 21 Q Was there any interim city manager
 22 between Mr. Ragland's retirement and
 23 your receiving the position?
 24 A No, not that I recall.
 25 Q Who promoted you to the position of

12

1 city manager?
 2 A Excuse me?
 3 Q Who promoted you to the position of
 4 city manager?
 5 A Town board.
 6 Q Do you recall who was on the board at
 7 that time?
 8 A Yes.
 9 Q Could you give me their names, please?
 10 A That's a trivial question. Hubert Cox.
 11 That's a hoot. Hubert Cox, Al Woodlief, Howard
 12 Herring. I believe Howard was the commissioner
 13 there. Brian -- Brian -- I have to go back to
 14 Brian. Gee, I haven't thought about that in
 15 awhile.
 16 Q If you remember any other names over
 17 the course of the day will you --
 18 A Yeah.
 19 Q -- tell me?
 20 A Uh-huh.
 21 Q Okay. And who extended you the offer
 22 for the position of city manager?
 23 A Excuse me?
 24 Q Who extended the offer?
 25 A Who extended?

13

1 Q Yes, sir.
 2 A The town board.
 3 Q Collectively?
 4 A Yes.
 5 Q Was that in writing or verbally?
 6 A Well, both but I had an employment
 7 agreement with the town.
 8 Q An employment agreement as the
 9 assistant city manager?
 10 A Town manager -- city manager.
 11 Q Was that for a length of time?
 12 A No.
 13 Q What were the terms of your employment
 14 agreement?
 15 A Just what they expected of me, my
 16 responsibilities and then that, you know, I would
 17 be expected to attend state and regional, national
 18 meetings, you know, to try to stay current of
 19 modern management practices. Be members of
 20 certain organizations like ICMA. That's
 21 International City County Managers Association.
 22 Things of that nature.
 23 Q What was your pay at the time -- excuse
 24 me, at the time you became city manager?
 25 A \$50,000.

<p style="text-align: right;">14</p> <p>1 Q And you're no longer with the City of 2 Oxford; is that correct? 3 A That's right. 4 Q When did you leave your employment with 5 the City of Oxford? 6 A February of 2008. 7 Q Where have you been employed since 8 February of 2008? 9 A Town of Butner. 10 Q In what position with the Town of 11 Butner? 12 A Town manager. 13 Q Was that a position that you applied 14 for? 15 A No. 16 Q How was it that you came to be employed 17 with the Town of Butner? 18 A They recruited me. 19 Q Who specifically recruited you? 20 A Members of town board. 21 Q When did they first contact you 22 concerning that position? 23 A Probably mid December. 24 Q 2007? 25 A Seven, yeah.</p>	<p style="text-align: right;">16</p> <p>1 Q Who did you interview with? 2 A Town board. 3 Q All the town board? 4 A I think the majority were there, yeah. 5 Q Anybody else in addition to the board 6 members? 7 A Town attorney. 8 Q When were you extended the offer of the 9 town manager for Town of Butner? 10 A Probably in January. 11 Q Did you immediately give notice at the 12 City of Oxford that you were leaving? 13 A Uh-huh. 14 Q And to whom did you give notice? 15 A That was the town board. They're the 16 city board and Butner is a town board. So the 17 city -- the city board. I dealt with the city 18 board. 19 Q How much notice did you give that you 20 were leaving? 21 A Thirty days. 22 Q And did you work out your notice? 23 A Excuse me? 24 Q Did you work out your entire 30-day 25 notice?</p>
<p style="text-align: right;">15</p> <p>1 MS. DAVIS: Ms. Rice, I neglected 2 to say at the beginning, it's my fault. 3 Mr. Marrow has a back problem so he may need 4 to stand up and stretch. He said it's 5 perfectly okay if it's okay with you to keep 6 asking him questions while he's stretching, 7 but if he's -- 8 THE WITNESS: I can pick this chair 9 up and put it over my head no problems, but 10 sitting in it -- 11 MS. RICE: Do whatever you need to 12 do to feel comfortable. 13 THE WITNESS: Sitting in it makes 14 it uncomfortable. 15 MS. RICE: Please feel free to do 16 that whenever you need to. 17 THE WITNESS: No problem. 18 BY MS. RICE: 19 Q So, I believe, you said mid December is 20 when you were first contacted concerning that 21 position? 22 A Uh-huh. 23 Q Did you interview for the town manager 24 position? 25 A Yes, I did.</p>	<p style="text-align: right;">17</p> <p>1 A Yes, I did. 2 Q And had you been continuously employed 3 as city manager from your promotion in 4 January 1995 until you left -- 5 A That's correct. 6 Q -- in February of 2008? 7 A That's correct. 8 Q Could you describe your duties and 9 responsibilities as city manager with the City of 10 Oxford. 11 A City of Oxford. Responsibilities, 12 prepare the budget, responsibilities were carry 13 out the policies of the town, my responsibility to 14 carry out the -- or enforce the ordinances of the 15 town. It was my responsibility to carry out the 16 motions of the board. In other words, they voted 17 to do a certain project it was my responsibility 18 to see it through. And it was my responsibility 19 to handle all personnel matters, oversee the 20 personnel matter process. 21 Q When you say handle all personnel 22 matters what do you mean by that? 23 A Well, ultimately the city manager is 24 responsible for all personnel matters. 25 Q What do you mean when you say</p>

<p style="text-align: right;">18</p> <p>1 responsible for all personnel matters?</p> <p>2 A Well, number one is the manager's job</p> <p>3 to keep the personnel policy updated. It was the</p> <p>4 city manager's job to employ all the department</p> <p>5 heads and it was the city manager's job to</p> <p>6 terminate all the department heads if need be.</p> <p>7 Q Were you the immediate supervisor for</p> <p>8 all the department heads?</p> <p>9 A Yes.</p> <p>10 Q And did the hiring decision -- did you</p> <p>11 participate in the hiring of all the department</p> <p>12 heads --</p> <p>13 A Yeah.</p> <p>14 Q -- under your supervision?</p> <p>15 A Yeah.</p> <p>16 Q How many different departments are</p> <p>17 there within the City of Oxford?</p> <p>18 A Probably about ten. Approximately ten.</p> <p>19 Q What were your methods of supervising</p> <p>20 the different department heads?</p> <p>21 A The methods? We had weekly staff</p> <p>22 meetings. Every Wednesday we had a staff meeting.</p> <p>23 We met and discussed what projects each individual</p> <p>24 department head was involved in and shared</p> <p>25 information with other departments to let them</p>	<p style="text-align: right;">20</p> <p>1 you said they took place on Wednesday?</p> <p>2 A Uh-huh.</p> <p>3 Q Was that with all the department heads?</p> <p>4 A Yes.</p> <p>5 Q Each week?</p> <p>6 A Each week, every Wednesday morning at 9</p> <p>7 o'clock.</p> <p>8 Q Was it mandatory for all the department</p> <p>9 heads to attend?</p> <p>10 A They were highly encouraged.</p> <p>11 Q And, I believe, you said you also would</p> <p>12 visit their offices from time-to-time?</p> <p>13 A Yes.</p> <p>14 Q How often would you --</p> <p>15 A Weekly.</p> <p>16 Q -- visit?</p> <p>17 Okay. So every week you went to each</p> <p>18 department head --</p> <p>19 A Yeah, I just worked around.</p> <p>20 Q -- at least once?</p> <p>21 A Yeah.</p> <p>22 Q Okay. And what kind of information</p> <p>23 would be discussed in these weekly staff meetings?</p> <p>24 A Weekly staff meetings we discussed --</p> <p>25 well, first -- it was always -- not always. We</p>
<p style="text-align: right;">19</p> <p>1 know what was going on in the city. I would visit</p> <p>2 their offices and sit down and talk with them</p> <p>3 individually about what they were involved in, was</p> <p>4 there anything I need to know about.</p> <p>5 Q Did you perform performance</p> <p>6 evaluations?</p> <p>7 A On occasion.</p> <p>8 Q On occasion. How often do you mean by</p> <p>9 on occasion?</p> <p>10 A We updated our personnel policy in the</p> <p>11 late '90s or 2000. In early 2000, several years</p> <p>12 we conducted personnel employee evaluations. Then</p> <p>13 the town board didn't -- it was somewhat connected</p> <p>14 to merit increases. Town board stopped funding</p> <p>15 the merit process and the evaluation process was a</p> <p>16 little complicated. Some department heads did a</p> <p>17 good job, some did not. About that time we were</p> <p>18 having a turnover in the department heads. A lot</p> <p>19 of them were retiring. There were several to</p> <p>20 retire. And so it was hard to find time to</p> <p>21 retrain everyone. So probably didn't do as good a</p> <p>22 job in evaluations as we should have, but I did</p> <p>23 meet with them on a regular basis and had frank</p> <p>24 discussions about what they were doing.</p> <p>25 Q And these weekly meetings, I believe,</p>	<p style="text-align: right;">21</p> <p>1 picked Wednesday because it's the day after a</p> <p>2 board meeting so when assignments were given to me</p> <p>3 from board meetings I'd pass those assignments</p> <p>4 along to department heads and then let them know</p> <p>5 what took place at board meetings.</p> <p>6 On days that we weren't having --</p> <p>7 immediately following a board meeting we basically</p> <p>8 talked about what projects they were involved in</p> <p>9 and they would share that information with other</p> <p>10 department heads so everyone would know what is</p> <p>11 going on within the town, but that's it.</p> <p>12 Q Did you attend all the board meetings?</p> <p>13 A Yes, I did.</p> <p>14 Q And how often would you have an</p> <p>15 assignment to pass along to a department head</p> <p>16 based on the board meeting from the night before?</p> <p>17 A Repeat it.</p> <p>18 Q How often would you have an assignment</p> <p>19 to pass along to a department head --</p> <p>20 A How often?</p> <p>21 Q -- based on the meeting?</p> <p>22 A Every -- after every board meeting.</p> <p>23 Q After every meeting?</p> <p>24 A Yeah. Not necessarily every department</p> <p>25 head got an assignment, but someone in that room</p>

<p style="text-align: right;">22</p> <p>1 probably received an assignment or, you know, 2 things to do. 3 (Mr. Burnette exits conference room.) 4 Q Would Don Jenkins attend those staff 5 meetings -- 6 A Yes, he did. 7 Q -- as well? 8 Would anyone keep minutes of those 9 staff meetings? 10 A No. 11 Q Did you personally take notes at the 12 staff meetings or at the staff meetings? 13 A Not really. Normally I use the agenda 14 at the staff meeting immediately following a board 15 meeting. That was my -- those were my notes was 16 the actual agenda itself. 17 Q Okay. Was that the agenda for the 18 board meeting? 19 A Town board. 20 Q Okay. So you didn't have a separate 21 agenda that you prepared -- 22 A No. 23 Q -- for the staff meetings? 24 A I used it because I had my notes on the 25 agenda.</p>	<p style="text-align: right;">24</p> <p>1 year? 2 A It varied. We would start process 3 sometime February -- February, maybe March of each 4 year and we would go full throttle all the way to 5 June -- to the last meeting in June. Sometimes we 6 had special called meetings in June in order to 7 adopt a budget. 8 Q So is the budget effective July 1st of 9 each year? 10 A Yes. 11 Q Do you know John Wolford? 12 A Yes, I do. 13 Q How do you know Mr. Wolford? 14 A I hired Mr. Wolford. 15 Q Did you know him prior to -- 16 A No, I did not. 17 Q -- hiring him? 18 A No, I did not. 19 Q What position did you hire Mr. Wolford 20 for? 21 A Chief of police. 22 Q For the City of Oxford? 23 A For the City of Oxford. 24 Q When did you hire Mr. Wolford? 25 A In around 2000 I guess.</p>
<p style="text-align: right;">23</p> <p>1 Q Would you take notes at all of the town 2 board meetings or city board meetings? 3 A Uh-huh, it was items that affected me 4 and duties I was to carry out. 5 Q And who assisted you in preparing the 6 budget? 7 A First the department heads would. I 8 would ask for their requests. Department heads 9 would turn in their requests for the departmental 10 budgets. I would take those requests and review 11 them, and it's kind of a two-step process. One 12 was line item departmental budget requests and 13 then capital outlay requests. Purchase of 14 large -- larger items. Purchase of a fire truck 15 or purchase of a fleet of cars, things of that 16 nature, purchase of a backhoe and I would review 17 those as well. 18 Of course we couldn't afford everyone's 19 requests so at that point we'd sit down and try to 20 comb through what they really needed to have 21 versus what they would like to have. 22 Q When you say we would sit down together 23 would that be you and the department heads? 24 A Uh-huh. 25 Q When was the budget prepared for each</p>	<p style="text-align: right;">25</p> <p>1 Q Was he replacing another chief? 2 A Yes. 3 Q Who did Mr. Wolford replace? 4 A Roger Paul. 5 Q Had Chief Paul retired? 6 A Yes. 7 Q Did you have any knowledge of 8 Mr. Wolford prior to hiring him for the position 9 of chief of police? 10 A No. 11 Q Did you personally interview 12 Mr. Wolford? 13 A Yes, I did. 14 Q Do you recall how often, how many 15 times? 16 A Several. 17 Q Did you interview him in the City of 18 Oxford? 19 A Yes, I did. 20 Q Did you conduct any phone interviews of 21 Mr. Wolford? 22 A Such as? 23 Q Did you ever call him and ask him any 24 questions over the phone prior to hiring him 25 referring to Mr. Wolford?</p>

<p style="text-align: right;">26</p> <p>1 A Did I call him with follow-up 2 questions. I don't recall. 3 Q Who else participated with you during 4 the hiring process for the position that was 5 filled by Chief Wolford? 6 A Several police chiefs, the city manager 7 and maybe an HR person. 8 Q A city manager from another city? 9 A Uh-huh. 10 Q What city? 11 A I believe it was Louisburg. It's 12 called an assessment process. 13 Q How many other individuals in addition 14 to John Wolford were interviewed for the chief of 15 police position? How many other individuals in 16 addition to John Wolford were interviewed for the 17 chief of police position? 18 MS. DAVIS: Mr. Marrow, I'm going 19 to caution you that we shouldn't mention any 20 names -- 21 THE WITNESS: Right. 22 MS. DAVIS: -- unless we're going 23 to go confidential -- 24 THE WITNESS: Right. 25 MS. DAVIS: -- because that's</p>	<p style="text-align: right;">28</p> <p>1 (Mr. Burnette enters conference room.) 2 Q Did Mr. Wolford immediately accept your 3 offer? 4 A I believe he did. 5 Q What were the job duties for the chief 6 of police position during the time that you were 7 employed with the City of Oxford? 8 A He was to run the department, the 9 Oxford Police Department. He was in charge of 10 hiring all the sworn and unsworn people within the 11 department. 12 Q In addition to hiring all the sworn and 13 unsworn employees what other duties did Chief 14 Wolford have with respect to personnel? 15 A To personnel. Well, he had the 16 authority to terminate or discipline. 17 Q Anything else? 18 A He was in charge of scheduling. They 19 work 12-hour shifts. They rotate -- rotating 20 shifts. He was in charge of making sure everyone 21 had proper equipment to provide public safety to 22 the citizens of Oxford, the proper equipment and 23 resources. 24 Q When did you meet Sharon Iglesias? 25 A I guess early 2000.</p>
<p style="text-align: right;">27</p> <p>1 protected under the statute. 2 A One, two, three -- four, I believe. 3 Four or five. 4 Q Four or five in addition to John 5 Wolford? 6 A Including John Wolford. 7 Q Including, okay. 8 Was John Wolford the first individual 9 to receive the offer for the position of chief of 10 police? 11 A No, he wasn't. 12 Q Was he the second? 13 A Yes, he was. 14 Q Did you make the offer to John Wolford 15 directly? 16 A Yes. 17 Q Was anybody else present when you 18 extended the offer -- 19 A I don't think, no. 20 Q -- for that position? 21 Was that in writing or verbally? 22 A When I made the offer? 23 Q Yes, sir. 24 A Verbally and then probably followed up 25 in writing.</p>	<p style="text-align: right;">29</p> <p>1 Q What -- 2 A I'm not sure of her employment date, 3 but I'm sure I met her immediately after being 4 employed with the City of Oxford. 5 Q Where did you meet Ms. Iglesias? 6 A Probably the police department. 7 Q During one of your weekly visits to the 8 police department? Do you think it was on one of 9 those occasions you met Ms. Iglesias? 10 A It could have been, yes. 11 Q Would you have been informed at the 12 time of Ms. Iglesias's hiring at the police 13 department? 14 A No, probably not. 15 Q Do you recall who was chief when Ms. 16 Iglesias was hired? 17 A I think it was Roger Paul. 18 Q How often did you have occasion to 19 speak with Ms. Iglesias after you first met? 20 A Just on occasion. 21 Q Would you say weekly or less 22 frequently? 23 A Probably less weekly, but I don't know. 24 Just whenever I -- you know, there was days when I 25 went straight to see someone specific. If she was</p>

<p style="text-align: right;">30</p> <p>1 in the chief's office or adjacent, you know, I</p> <p>2 probably spoke to her. But I would not go down</p> <p>3 weekly and speak to everyone in the police</p> <p>4 department. I don't know if I even probably did</p> <p>5 that monthly.</p> <p>6 Q Was there any -- ever a time that you</p> <p>7 went to the police department for the purpose of</p> <p>8 speaking with Ms. Iglesias?</p> <p>9 A Specifically?</p> <p>10 Q Yes, sir.</p> <p>11 A I don't recall or if I had any reason</p> <p>12 to specifically.</p> <p>13 Q If an employee was disciplined at the</p> <p>14 police department how would you be aware -- made</p> <p>15 aware of any disciplinary action haven been taken?</p> <p>16 A That may vary. There were times when a</p> <p>17 police chief if he thought it was important enough</p> <p>18 to let me know the severity -- if it's -- you</p> <p>19 know, a disciplinary action had quite a bit of</p> <p>20 substance to it he would let me know.</p> <p>21 Q When you say quite a bit of substance</p> <p>22 what do you mean by that?</p> <p>23 A Well, sometimes someone may receive a</p> <p>24 verbal warning, put it in the file, he wouldn't</p> <p>25 tell me about those. If there was written</p>	<p style="text-align: right;">32</p> <p>1 A No, I did not.</p> <p>2 Q Not for your department heads?</p> <p>3 A No.</p> <p>4 Q Okay. Or personnel files maintained by</p> <p>5 another office?</p> <p>6 A Yes.</p> <p>7 Q What office was that?</p> <p>8 A HR.</p> <p>9 Q Did you keep any records concerning any</p> <p>10 of the department heads that you supervised in</p> <p>11 your office?</p> <p>12 A No.</p> <p>13 Q With the exception of the staff</p> <p>14 meetings and the visits how would you correspond</p> <p>15 with the department heads? Would it be through</p> <p>16 interoffice mail or electronic mail?</p> <p>17 A I -- there were on occasions I would</p> <p>18 use electronic mailing, but a lot of times I like</p> <p>19 to speak to them verbally. Gave me a chance to</p> <p>20 get out and visit and sit down and talk to them.</p> <p>21 Q Did you have an e-mail group for all</p> <p>22 department heads? If you say for instance wanted</p> <p>23 to send an e-mail to all the department heads do</p> <p>24 you have them in a designated group?</p> <p>25 A I know I had the mayor and the board.</p>
<p style="text-align: right;">31</p> <p>1 disciplinary action generally I felt like he would</p> <p>2 let me know.</p> <p>3 Q When you say he you're referring to</p> <p>4 Chief Welford?</p> <p>5 A Yes or Roger Paul at that time.</p> <p>6 Q Would they let you know in writing or</p> <p>7 verbally if disciplinary action had taken place?</p> <p>8 A Both probably.</p> <p>9 Q Were disciplinary actions discussed</p> <p>10 during the course of the weekly staff meeting?</p> <p>11 A No.</p> <p>12 Q Never?</p> <p>13 A Never.</p> <p>14 Q Were there ever circumstances where</p> <p>15 department heads were required to get prior</p> <p>16 approval from you before taking any disciplinary</p> <p>17 action?</p> <p>18 A No, there wasn't a requirement. If</p> <p>19 they wanted to that was fine. If they felt like</p> <p>20 they were, you know, comfortable in what -- in</p> <p>21 what they were doing that was -- they had the</p> <p>22 leeway to do that.</p> <p>23 Q So they could come and speak with you?</p> <p>24 A Sure.</p> <p>25 Q Did you retain personnel files?</p>	<p style="text-align: right;">33</p> <p>1 And probably what you're referring to is a</p> <p>2 designated group of department heads, I don't</p> <p>3 think so. I don't recall.</p> <p>4 Q What was your e-mail address when you</p> <p>5 were employed with the City of Oxford?</p> <p>6 A City of Oxford was</p> <p>7 TMarrow@OxfordNC.org.</p> <p>8 Q Did you have any other work e-mail</p> <p>9 addresses?</p> <p>10 A No, I did not.</p> <p>11 Q How about any personal e-mail</p> <p>12 addresses?</p> <p>13 A Personal?</p> <p>14 Q Yes.</p> <p>15 A No, I did not.</p> <p>16 Q Are you married?</p> <p>17 A Yes.</p> <p>18 Q What's your wife's name?</p> <p>19 A Julia.</p> <p>20 Q Julia Marrow?</p> <p>21 A Uh-huh.</p> <p>22 Q Did Mrs. Marrow have a personal e-mail</p> <p>23 address?</p> <p>24 A No, she does not.</p> <p>25 Q She does not now?</p>

<p style="text-align: right;">34</p> <p>1 A She never has.</p> <p>2 Q Do you have a home computer?</p> <p>3 A No, I do not.</p> <p>4 Q Have you ever had a computer at home?</p> <p>5 A Had one probably let's see, 12, 14 --</p> <p>6 14 -- 12, 14 years ago.</p> <p>7 Q Did you have a laptop?</p> <p>8 A No, I did not.</p> <p>9 Q You do not now?</p> <p>10 A No.</p> <p>11 Q Have you ever had a laptop?</p> <p>12 A No.</p> <p>13 Q Have you ever had the use of a laptop</p> <p>14 at work?</p> <p>15 A No. Could not operate one if I had to.</p> <p>16 Q You could not -- excuse me?</p> <p>17 A I couldn't operate one if I had to.</p> <p>18 Q Did you have any personal assistance</p> <p>19 while -- or administrative assistance while you</p> <p>20 were employed with the City of Oxford?</p> <p>21 A Did I have?</p> <p>22 Q Any administrative assistance.</p> <p>23 A Yes.</p> <p>24 Q Throughout the time that you were city</p> <p>25 manager?</p>	<p style="text-align: right;">36</p> <p>1 offices in city hall?</p> <p>2 A How many of the departments?</p> <p>3 Q Yes, sir.</p> <p>4 A Finance, planning, economic</p> <p>5 development, HR, engineering, building maintenance</p> <p>6 and executive suite which was my suite.</p> <p>7 Q And where was your office in proximity</p> <p>8 to Don Jenkins?</p> <p>9 A He was across the building.</p> <p>10 Q Across the building?</p> <p>11 A Uh-huh.</p> <p>12 Q How far across the building?</p> <p>13 A In feet?</p> <p>14 Q Yes, sir, roughly.</p> <p>15 A A hundred feet.</p> <p>16 Q Same floor?</p> <p>17 A Yes.</p> <p>18 Q How often would you meet with</p> <p>19 Mr. Jenkins -- Don Jenkins?</p> <p>20 A Almost daily.</p> <p>21 Q Almost daily?</p> <p>22 A Uh-huh.</p> <p>23 Q Concerning what matters?</p> <p>24 A Just various matters. His office was</p> <p>25 across the hall from the coffee room. Many</p>
<p style="text-align: right;">35</p> <p>1 A Uh-huh.</p> <p>2 Q Was it the same?</p> <p>3 A City manager, yes.</p> <p>4 Q Okay. Same person throughout that</p> <p>5 whole time period?</p> <p>6 A No.</p> <p>7 Q Who was employed as your administrative</p> <p>8 assistant during that time?</p> <p>9 A Ann Parrott was city clerk, Barb Rote</p> <p>10 was city clerk and Tanya Weary was city clerk.</p> <p>11 And then we also had -- we had administrative</p> <p>12 assistants in addition to the city clerk. So</p> <p>13 between the two, you know, they were my assistants</p> <p>14 when I needed assistance.</p> <p>15 Q Did the city clerk work in your</p> <p>16 immediate proximity?</p> <p>17 A Yes.</p> <p>18 Q And any other administrative assistants</p> <p>19 that you supervised they also work in your</p> <p>20 immediate vicinity?</p> <p>21 A Yes.</p> <p>22 Q And that's in city hall or was it --</p> <p>23 A Yes.</p> <p>24 Q -- city hall?</p> <p>25 How many of the department heads had</p>	<p style="text-align: right;">37</p> <p>1 mornings we met at the coffee pot.</p> <p>2 Q I believe you mentioned that the</p> <p>3 finance office -- the finance department is one of</p> <p>4 the offices that is housed in city hall or was</p> <p>5 housed --</p> <p>6 A Yes, that's correct. They are on the</p> <p>7 first floor.</p> <p>8 Q And who was the finance director during</p> <p>9 the time that you were employed with the City of</p> <p>10 Oxford?</p> <p>11 A We had two. Kelly Howard and Steve</p> <p>12 McNally. Kelly is retired and Steve is the</p> <p>13 current finance officer.</p> <p>14 Q Is Mr. Howard employed elsewhere now?</p> <p>15 A Excuse me?</p> <p>16 Q Is Kelly Howard employed elsewhere?</p> <p>17 A He contracts part time with the Town of</p> <p>18 Butner.</p> <p>19 Q Do you ever see his contract?</p> <p>20 A Have I seen his contract?</p> <p>21 Q Do you oversee his contract or do you</p> <p>22 supervise him --</p> <p>23 A Yes.</p> <p>24 Q -- in that position?</p> <p>25 A Yes.</p>

<p style="text-align: right;">38</p> <p>1 Q And for what position is he 2 contracted -- for what work is he contracted? 3 A Finance. 4 Q Do you have any full-time finance staff 5 at the Town of Butner? 6 A No. 7 Q And do you recall when Mr. Howard 8 retired from the City of Oxford? 9 A Approximately 2004. 10 Q Was Mr. McNally -- excuse me. Was Mr. 11 Howard immediately replaced by Mr. McNally? 12 A Yes. 13 Q What were the duties of the finance 14 director? 15 A Look after the cash management of the 16 town, charge accounts payable, accounts 17 receivable, general ledger, collection and billing 18 of the water and sewer fund. 19 Q I'm sorry, for the what fund? 20 A Water. 21 Q Water? 22 A Send out the water bill and collecting 23 water bills. 24 Q What do you mean by cash management? 25 A Well, we -- town had several million</p>	<p style="text-align: right;">40</p> <p>1 A By the town. We would put X number of 2 dollars into it and we would require -- as it was 3 used you document and turn it in. Once you got a 4 certain amount you would turn it in -- or if you 5 collected a certain amount you would turn it in. 6 Q And each of those expenditures was to 7 be documented? 8 A Uh-huh. 9 Q How were the expenditures from the 10 petty cash funds to be documented? 11 A It could be just handwritten or for a 12 receipt if you took a receipt. Depends on if the 13 receipt -- sometimes receipts are used and 14 sometimes they were not depending on the 15 department. 16 Q Would it have been Mr. Howard's and 17 later Mr. McNally's job to oversee those funds as 18 well ultimately? 19 A Yes, probably so when they were turned 20 in, yes. 21 Q And were they turned in on a regular 22 basis or just when a certain amount of money had 23 been spent? 24 A Generally when a certain amount of 25 money accumulated. We don't want folks sitting</p>
<p style="text-align: right;">39</p> <p>1 dollars in water, sewer and in the general fund 2 and it was his responsibility to invest that money 3 and to oversee the investment of those monies. Of 4 course make sure we had enough money in the 5 checking account to pay bills, things of that 6 nature. 7 Q Did each of the departments have their 8 own petty cash funds? 9 A Some did, not every department. Some 10 did. 11 Q What departments did? 12 A Planning, recreation. I guess my 13 department had one, but I never -- I don't think 14 I've ever used it. I guess the police department. 15 Q Any others that you can think of? 16 A Finance probably had petty cash. 17 That's all I can think of. Only those that for 18 whatever reasons would handle cash or have to make 19 change with permits, things of that nature handled 20 some money, had petty cash. Not everyone had 21 petty cash. 22 Q And how were those petty cash funds 23 funded? 24 A How were they funded? 25 Q Yes, sir.</p>	<p style="text-align: right;">41</p> <p>1 there with large sums of money just to protect 2 them. 3 Q Do you know of any other funds in 4 addition to the petty cash fund that was 5 administered within the police department of the 6 City of Oxford? 7 A Other than petty cash? 8 Q Yes, sir. 9 A There was a police undercover fund and 10 there was an evidence fund. 11 Q What's the police undercover fund? 12 A Those are monies given to the city by 13 the court system to be used for certain police 14 activities. 15 Q What police activities? 16 A Purchase of information. Probably 17 purchase of some -- some equipment, some resources 18 to conduct certain type surveillance activities. 19 It's fairly restrictive. 20 Q Restrictive? 21 A Or use of. Couldn't give raises or 22 anything like that with it. 23 Q And you mentioned the evidence fund. 24 What was the evidence fund? 25 A The evidence fund was really not part</p>

<p style="text-align: right;">42</p> <p>1 of the town's budget. That was -- I believe if 2 I'm correct that was money that was evidence in -- 3 in -- well, the custodian of monies that he 4 confiscated in a drug raid or this or that. We 5 held that money or guns or whatever it was until 6 court trials came about and until the judge 7 determined how that money was to be disbursed. 8 Q How were expenditures what you 9 described as the police undercover fund how were 10 those to be documented? 11 A If they were used to purchase say 12 information or whatever it was to be signed by two 13 people. 14 Q What two people? 15 A Those who were authorized to use it. 16 There were certain folks authorized to use it. 17 Not just anyone could go in and get it. 18 Q Who was authorized to use it to the 19 best of your knowledge? 20 A Undercover detectives, I guess, you 21 would call them, ultimately the chief since he was 22 in charge of the police department. Probably 23 certain command staff could have access to it as 24 well. 25 Q How were expenditures from the police</p>	<p style="text-align: right;">44</p> <p>1 Q Fall of 2003? 2 A Yeah. 3 Q And why did you do that the Fall of 4 2003? 5 A We had a finance committee meeting and 6 they wanted for some reason to have it audited and 7 I okayed it. 8 Q Who was on the finance committee? 9 A Commissioner Jack Carey, Commissioner 10 Clement Yancey. At that time I'm not sure. It 11 moved around a little bit. Different people 12 served on it. I don't know if it was Commissioner 13 Herring or Commissioner Currin. I'm not sure who 14 the third person was at that time. 15 Q Did the finance committee specifically 16 want the police undercover fund investigated or 17 audited at that time? 18 A The undercover fund. 19 Q Okay. 20 A Yeah, just the undercover fund. 21 Q Just the undercover fund? 22 A Yeah. 23 Q Did -- did anyone in the finance 24 committee tell you why they wanted the undercover 25 fund audited?</p>
<p style="text-align: right;">43</p> <p>1 undercover fund how were they monitored by your 2 office? 3 A Periodically I would send the finance 4 officer down to audit the undercover fund. 5 Q When you say periodically how often 6 would you send the finance director? 7 A It was -- he went down on irregular 8 basis to audit many times. I did not have to ask 9 him. It was part of his job duties. 10 Q Was it audited more than once a year? 11 A Probably yearly. 12 Q And what do you mean when you say 13 audit? 14 A He would go down and check ledgers, see 15 if it balanced, money in money out. That was 16 mainly what he was concerned about as finance 17 officer. 18 Q When was the last time that you 19 directed the finance director to audit the police 20 undercover fund? 21 A Me specifically? 22 Q Yes, sir. 23 A That's a good question. The city 24 management form of government I guess I could say 25 in a roundabout way I did that in the Fall of '03.</p>	<p style="text-align: right;">45</p> <p>1 A No, not really. 2 Q Did you think it was an unusual 3 request? 4 A Well, a little bit, yes. 5 Q Why is that? 6 A Just because why now, I mean, but I had 7 no quarrels with it. 8 Q You had no problems with the request 9 that -- 10 A Absolutely not, no. 11 Q -- it be audited? 12 A Absolutely not. 13 Q And do you know if Mr. Howard 14 thereafter audited the undercover fund in or 15 around the Fall of 2003? 16 A He did. He did. To satisfy the 17 finance committee I asked him to go unannounced 18 even to me. 19 Q Why did you think that would satisfy 20 the finance committee? 21 A Just trying to be accommodating. 22 Q Did the finance committee want 23 Mr. Howard to go unannounced? 24 A They agreed to that, thought it was a 25 good idea.</p>

46

1 Q Why did they think it was a good idea?
 2 A I don't know. I can't speak for them.
 3 Q Did Mr. Howard find any irregularities?
 4 A No, he did not.
 5 Q And do you know if Mr. Howard looked at
 6 any documents in addition to the ledger for the
 7 undercover fund?
 8 A I imagine he did not. He went and
 9 looked at the undercover fund ledger.
 10 Q Did you personally look at the drug
 11 undercover fund ledger in or around Fall of 2003?
 12 Did you personally look at the ledger for the
 13 undercover fund?
 14 A In '03?
 15 Q In '03.
 16 A No.
 17 Q When did you first look at the drug --
 18 the ledger for the undercover fund?
 19 A Spring of '04.
 20 Q When in the Spring of '04?
 21 A Around May. Sometime around May
 22 possibly.
 23 Q And why did you look at the ledger for
 24 the undercover fund in the Spring of '04?
 25 A The city's external auditor had audited

47

1 the undercover fund and found that the monies in
 2 matched the monies out, but he was told by
 3 Ms. Iglesias that there was some issues with the
 4 way the money was withdrawn by the chief in the
 5 undercover fund. So the external auditor brought
 6 copies of the ledger and I think some of
 7 Ms. Iglesias's notes to me for my review. We
 8 thought we ought to take a look at them.
 9 Q Who brought you the ledger and the
 10 outside notes -- excuse me, Ms. Iglesias's notes?
 11 A I'm thinking it was outside auditor.
 12 Q And outside that's the same thing as
 13 the external auditor?
 14 A Yeah. The internal auditor is finance
 15 officer Kelly Howard. External is Jim Winston who
 16 conducts the audits for the City of Oxford.
 17 Q So did Mr. --
 18 A Annual audit for the City of Oxford.
 19 Q When is that annual audit conducted?
 20 A It starts right around July, August and
 21 it's normally completed -- it's supposed to be
 22 completed by October of each year but we normally
 23 receive it around January.
 24 Q Are all the -- are all the departments
 25 audited each year?

48

1 A Well, the City of Oxford is audited.
 2 The entire city is audited and so it's more --
 3 yeah, I guess so in a roundabout way. The auditor
 4 doesn't go to each individual department and
 5 audit. They do the audits from the financial
 6 information turned into the finance department. But
 7 that auditor can go to a department. I imagine
 8 they did but I didn't follow them around.
 9 Q Had Mr. Winston audited the undercover
 10 fund in or around the Spring of 2004 as part of
 11 this annual audit?
 12 A No.
 13 Q Why -- why had this --
 14 MS. DAVIS: And at this point, I
 15 think, we're going to get into some personnel
 16 matters because when you ask the question of
 17 why he's going to have to answer in relation
 18 to personnel matters. So if you want to go
 19 there we can make this part confidential.
 20 MS. RICE: I think I'll come back
 21 to it.
 22 MS. DAVIS: Okay.
 23 BY MS. RICE:
 24 Q What did you do after -- well, did you
 25 speak with Mr. Winston in May of 2004 concerning

49

1 his audit of the undercover fund?
 2 A I spoke to him about it, yes.
 3 Q Did you receive anything in writing
 4 from Mr. Winston?
 5 A I think he gave me copies of the ledger
 6 and some notes from Ms. Iglesias.
 7 Q Any documents created by Mr. Winston?
 8 Did he give you any documents that he had created
 9 personally?
 10 A Such as? I mean --
 11 Q Do you know if Mr. Winston prepared a
 12 report concerning his audit?
 13 A I think he did prepare a report.
 14 Q A written report?
 15 A Yes, to me.
 16 Q Did that written report state the
 17 findings of Mr. Winston's audit?
 18 A Yes, it basically said money in and
 19 money out was accounted for as I recall.
 20 Q What did you understand that to mean
 21 money in and money out is accounted for?
 22 A The monies that were used were
 23 accounted for. So if you matched the monies taken
 24 out and accounted for it balanced back to the
 25 amount that was in there.

<p style="text-align: right;">114</p> <p>1 Q Was it in January of 2006?</p> <p>2 A Yes.</p> <p>3 Q And what did you mean by proper</p> <p>4 documentation?</p> <p>5 A Just that he had grounds and reasons to</p> <p>6 terminate.</p> <p>7 Q Do you know if Chief Wolford had any</p> <p>8 other -- had any assistance in the preparation of</p> <p>9 the document that's been marked as Exhibit 77?</p> <p>10 MS. DAVIS: Do you mean other than</p> <p>11 counsel?</p> <p>12 Q Did Chief Wolford have any assistance</p> <p>13 in the preparation of Exhibit 77 to your</p> <p>14 knowledge?</p> <p>15 A He may have had counsel helping in</p> <p>16 preparation of the document.</p> <p>17 Q Do you know if he discussed this</p> <p>18 document or had assistance with this document from</p> <p>19 Don Jenkins?</p> <p>20 A Being an HR person I wouldn't have been</p> <p>21 surprised if he had.</p> <p>22 Q When did you first see what's been</p> <p>23 marked as Exhibit 77?</p> <p>24 A When did I first see it?</p> <p>25 Q Yes, sir.</p>	<p style="text-align: right;">116</p> <p>1 Q In the first paragraph --</p> <p>2 A Yeah.</p> <p>3 Q -- where it reads despite the fact that</p> <p>4 numerous agencies and persons have determined them</p> <p>5 to be without merit what did you understand Chief</p> <p>6 Wolford to be referring to in that sentence?</p> <p>7 A I can't find it.</p> <p>8 Q I believe it's approximately midway</p> <p>9 down in the first paragraph.</p> <p>10 A Oh, okay. The agency would probably be</p> <p>11 the town attorney, the D.A. and SBI.</p> <p>12 Q The city attorney Mr. Burnette?</p> <p>13 A Uh-huh, yes.</p> <p>14 Q The district attorney is that Sam</p> <p>15 Currin?</p> <p>16 A Sam Currin.</p> <p>17 Q And the SBI, the State Bureau of</p> <p>18 Investigations?</p> <p>19 A Yes.</p> <p>20 Q What is your understanding of what it</p> <p>21 is to have a predisciplinary conference?</p> <p>22 A That is a conference you have with the</p> <p>23 individual before termination. It's basically to</p> <p>24 as I understand it to just give them a heads up of</p> <p>25 what's getting ready to take place.</p>
<p style="text-align: right;">115</p> <p>1 A When did I first see it. I don't</p> <p>2 recall a date when I first saw it. January.</p> <p>3 Q Was it --</p> <p>4 A Probably several days before maybe,</p> <p>5 yeah.</p> <p>6 Q Several days before when?</p> <p>7 A The date of the letter.</p> <p>8 Q By the date of the letter you're</p> <p>9 referring to the date at the top of the letter or</p> <p>10 the date at the bottom of the letter?</p> <p>11 A The top, January 24th.</p> <p>12 Q So several days prior to</p> <p>13 January 24th --</p> <p>14 A Uh-huh.</p> <p>15 Q -- 2006 you first saw this letter?</p> <p>16 A Uh-huh.</p> <p>17 Q Did you agree with the contents of the</p> <p>18 letter?</p> <p>19 A Yes.</p> <p>20 Q In the first paragraph where it reads</p> <p>21 despite the fact that numerous agencies and</p> <p>22 persons have determined them to be without merit</p> <p>23 what did you understand Chief Wolford to be</p> <p>24 referring to?</p> <p>25 A Where do you see that?</p>	<p style="text-align: right;">117</p> <p>1 Q And you say --</p> <p>2 A If they have anything to say they need</p> <p>3 to say it right then -- right then and there.</p> <p>4 Q When you say give them a heads up are</p> <p>5 you referring to whatever employee is subject to</p> <p>6 the disciplinary action being taken?</p> <p>7 A Uh-huh.</p> <p>8 MS. DAVIS: You need to say yes or</p> <p>9 no, Mr. Marrow.</p> <p>10 A Yes.</p> <p>11 Q Whose responsibility was it to insure</p> <p>12 that the policy concerning predisciplinary</p> <p>13 conferences was followed?</p> <p>14 A Ultimate it's the chief's but I would</p> <p>15 have had -- the chief's.</p> <p>16 Q When did you become aware that</p> <p>17 Ms. Iglesias had in fact been terminated?</p> <p>18 A I imagine I received a phone call the</p> <p>19 day of or the day after.</p> <p>20 Q From whom did you receive a phone call?</p> <p>21 A I imagine Chief Wolford.</p> <p>22 Q What did Chief Wolford tell you?</p> <p>23 A That he had followed through and</p> <p>24 terminated Ms. Iglesias.</p> <p>25 Q Did he tell you anything concerning any</p>

118

1 efforts on his part to insure that Ms. Iglesias
2 had received a predisciplinary conference?
3 A He said he had given that
4 predisciplinary conference. He held it, yes.
5 Q Is that all the chief informed you?
6 A Yes.
7 Q Did he tell you anything about
8 Ms. Iglesias's reaction to having been terminated?
9 A I don't recall, no. I don't recall the
10 details of it.
11 Q If I could ask you to turn to Exhibit
12 74, please. Take a moment to review that document
13 and let me know when you've finished doing so.
14 A Okay.
15 Q Have you had an opportunity to review
16 what's been marked as Exhibit 74?
17 A Yes.
18 Q And are you familiar with the document
19 that's been marked as Exhibit 74?
20 A Yes.
21 Q Could you describe Exhibit 74?
22 A Describe it? It's a memo from John
23 Wolford to Tommy Marrow and Don Jenkins. Subject
24 matter is -- is that Ms. Iglesias is still making
25 contact with local television stations and that

119

1 it -- the fact that -- well, what else you want me
2 to say?
3 Q Were you aware prior to receiving
4 Exhibit 74 that Ms. Iglesias had made contact with
5 the local news stations?
6 A Yes, I think, in the Fall of '05 there
7 was some rumors that she was trying to get some to
8 come over but they just hadn't had a chance to get
9 over. I'm not sure why. So this didn't really
10 surprise me at all.
11 Q Did you respond in writing to what's
12 been marked as Exhibit 74?
13 A I don't believe I did.
14 Q Did you receive any other e-mails from
15 Chief Wolford on or around January 3rd, 2006
16 concerning Ms. Iglesias?
17 A I don't -- not on or around, within a
18 week maybe. But not -- not that day or a day
19 before or day after not that I recall.
20 Q If I could ask you to turn now to
21 Exhibit 83, please. Actually I'll come back to
22 that.
23 I'm sorry, could you turn to Exhibit
24 75, please.
25 A Okay.

120

1 Q And I'm sorry, are you on Exhibit 75?
2 A Yes.
3 Q Okay. If you could just take a moment
4 to review that document and let me know when
5 you've finished doing so.
6 A Okay. I've read it.
7 Q Okay. Do you recall receiving what's
8 been marked as Exhibit 75?
9 A Uh-huh.
10 Q And did you receive it on or about
11 January 9th of 2006?
12 A Uh-huh, yes.
13 Q And what did you understand to have
14 occurred based on --
15 A What occurred --
16 Q -- the contents of the document?
17 A -- was WRAL was -- came to the Oxford
18 Police Department and -- to do an interview
19 concerning Chief Wolford and, I believe, this
20 suggested chief went out and spoke to them, tried
21 to clear up any questions that may exist about his
22 allegations to misuse of funds.
23 Q Did anyone from the news media approach
24 you --
25 A No.

121

1 Q -- in January 2006 regarding
2 Ms. Iglesias?
3 A I don't remember so, no. I had some
4 media for other things but I don't recall that.
5 Q Did you respond to what's been marked
6 as Exhibit 75?
7 A No.
8 Q Did you discuss what's been -- did you
9 discuss Chief Wolford's interactions with the news
10 media on or around January 9th, 2006 with Chief
11 Wolford or Don Jenkins?
12 A I may have mentioned -- talked to chief
13 about him going on camera. But he just felt
14 like -- asked him why he did so and he said he
15 felt like it was something he needed to do. So I
16 said okay.
17 Q Was that after he had been interviewed?
18 A Yes.
19 Q Were you upset with the fact that he
20 had gone on camera?
21 A No. If it had been my choice I
22 probably wouldn't have recommended it, but since
23 he had already done so it didn't seem -- it seemed
24 okay.
25 Q Why would you probably not have

<p style="text-align: right;">122</p> <p>1 recommended it?</p> <p>2 A Well, it's just -- gosh -- you never</p> <p>3 know what the reporters are going to ask and it's</p> <p>4 just probably best not to talk to television</p> <p>5 stations unless it's something you just need to</p> <p>6 do.</p> <p>7 Q Based on what he told you did you</p> <p>8 understand that Chief Wolford felt as though he</p> <p>9 needed to go and answer questions --</p> <p>10 A He felt like he did.</p> <p>11 Q Did you ever discuss Ms. Iglesias,</p> <p>12 Sharon Iglesias with any of the commissioners</p> <p>13 outside of a board meeting?</p> <p>14 A Outside of a board meeting?</p> <p>15 Q Yes, sir.</p> <p>16 A If it was it was in a very generic way.</p> <p>17 I would never discuss personnel matters with a</p> <p>18 city commissioner.</p> <p>19 Q You would never discuss a personnel</p> <p>20 matter with a city commissioner?</p> <p>21 A That's correct.</p> <p>22 Q Did you ever discuss Chief Wolford with</p> <p>23 any of the commissioners?</p> <p>24 A More specifically about?</p> <p>25 Q Did you ever discuss any investigation</p>	<p style="text-align: right;">124</p> <p>1 A He and I go to the same church.</p> <p>2 Q Did you have any occasion to work with</p> <p>3 him prior to your employment with the City of</p> <p>4 Oxford?</p> <p>5 A No.</p> <p>6 Q Do you socialize with Mr. Jenkins</p> <p>7 outside of work? Have you ever socialized with</p> <p>8 him outside of work?</p> <p>9 A Have I ever?</p> <p>10 Q Yes, sir.</p> <p>11 A I think we went fishing at a lake one</p> <p>12 day. That's about it.</p> <p>13 Q How about Chief Wolford, you ever</p> <p>14 socialize with Chief Wolford outside of work?</p> <p>15 A I may have taken him fishing one day --</p> <p>16 once. That's all.</p> <p>17 Q When did you take him fishing?</p> <p>18 A Kerr Lake.</p> <p>19 Q When?</p> <p>20 A When?</p> <p>21 Q Yes, sir.</p> <p>22 A Just during those eight years.</p> <p>23 Probably 2002, 2003 maybe. Not any time recent.</p> <p>24 Q Was it just you and Chief Wolford?</p> <p>25 A Yes.</p>
<p style="text-align: right;">123</p> <p>1 that had been done concerning Chief Wolford --</p> <p>2 A No.</p> <p>3 Q -- with any commissioner?</p> <p>4 A No, not any great details, no.</p> <p>5 MS. DAVIS: And to be clear, this</p> <p>6 is outside the context of a board meeting?</p> <p>7 MS. RICE: Right.</p> <p>8 MS. DAVIS: Okay.</p> <p>9 A No.</p> <p>10 Q How long have you known Jack Carey?</p> <p>11 A Probably 20 years.</p> <p>12 Q How did you first meet Mr. Carey?</p> <p>13 A When I was working at Kerr Tar Regional</p> <p>14 Council Governments, I believe, he was on their</p> <p>15 board of directors. And also I was in charge of a</p> <p>16 loan program and he helped sit on a board that</p> <p>17 reviewed loans.</p> <p>18 Q Do you consider Mr. Carey to be</p> <p>19 trustworthy?</p> <p>20 A Yes.</p> <p>21 Q How long have you known Mr. Jenkins?</p> <p>22 A Probably the same amount of years, 20</p> <p>23 years.</p> <p>24 Q How did you know Mr. Jenkins? How did</p> <p>25 you first meet Mr. Jenkins?</p>	<p style="text-align: right;">125</p> <p>1 Q How long have you known Al Woodlief?</p> <p>2 Am I pronouncing it correctly?</p> <p>3 A Yeah, Woodlief. Since 1991.</p> <p>4 Q What were the circumstances under which</p> <p>5 you met Al Woodlief?</p> <p>6 A When I became employed with the City of</p> <p>7 Oxford he was on the town board.</p> <p>8 Q Was he the mayor at that time?</p> <p>9 A No.</p> <p>10 Q When was he first elected mayor?</p> <p>11 A Probably about 2001. That's a hard</p> <p>12 question. I think about 2001. Our election is</p> <p>13 every odd year so I'm just trying to go by odd</p> <p>14 years. Yeah, 2001.</p> <p>15 Q What's the relationship of the mayor to</p> <p>16 the city commissioners?</p> <p>17 A Mayor in the City of Oxford is the</p> <p>18 ceremonial figurehead for the city. He cuts the</p> <p>19 ribbons and he kisses the babies and that sort of</p> <p>20 thing. But he also is the chairman of the board.</p> <p>21 Not literally but he serves as capacity as the</p> <p>22 chairman of the board of commissioners. He</p> <p>23 resides at all the meetings.</p> <p>24 Q I'm sorry, he --</p> <p>25 A Presides at all the --</p>

126

1 Q -- presides -- okay.
 2 A -- meetings. That's probably true;
 3 isn't it? Excuse me.
 4 Q Does the mayor have a vote on the
 5 board?
 6 A No, only if there's a tie. And they're
 7 not many ties because it's seven commissioners.
 8 So one would have to be absent and then there may
 9 be an opportunity to vote to break a tie or
 10 someone excuses themselves for a conflict of
 11 interest.
 12 Q Did you ever speak with the Mayor Al
 13 Woodlief about Sharon Iglesias -- concerning
 14 Sharon Iglesias?
 15 A Did I discuss personnel matters with
 16 the mayor concerning Sharon Iglesias, no. Did I
 17 talk to him on occasion in general, probably so.
 18 Q What did you discuss with him generally
 19 speaking?
 20 A Just how things were going.
 21 Q Did you ever discuss any
 22 investigation -- did you ever discuss the
 23 investigation that you had conducted concerning
 24 allegations raised by Ms. Iglesias with respect to
 25 Chief Wolford with Al Woodlief?

127

1 A No.
 2 Q When did Chief Wolford take the oath of
 3 office for his position as chief of police?
 4 A Soon after he was hired.
 5 Q How soon after he was hired?
 6 A Not immediately. He should have been
 7 sworn in the protocol probably would have been at
 8 our next board meeting would have had him sworn
 9 in. But I don't think that took place because our
 10 current sitting mayor passed away and we were
 11 extremely preoccupied with that, trying to deal
 12 with that loss -- his loss and what we needed to
 13 do to replace the mayor. That was an interesting
 14 process. And we just got sidetracked with that,
 15 and I dropped the ball on that.
 16 Q When you say you dropped the ball are
 17 you referring to --
 18 A I should have seen to it that chief was
 19 sworn in in a timely manner, and I just got
 20 preoccupied with the mayor's passing and I dropped
 21 the ball and I didn't get it done.
 22 Q Did anything happen to cause you to
 23 pick up the ball on that to insure that the chief
 24 was sworn in?
 25 A Someone pointed it out that the chief

128

1 hadn't been sworn in.
 2 Q Who pointed it out?
 3 A I think it was a gentleman named Frank
 4 Strickland.
 5 Q What did you do after it was pointed
 6 out that the chief hadn't been sworn in?
 7 A I went to the chief and asked him had
 8 we sworn you in. And he said no, I was waiting on
 9 you. And I said well, I guess, we need to swear
 10 you in. So we did the very next -- well, we did
 11 soon after.
 12 Q Was it done at a board meeting?
 13 A You know, I don't recall. The protocol
 14 would of had it to do so, but since an inordinate
 15 amount of time had passed we may not have done
 16 that. I don't recall what meeting it was at. I
 17 want to say we did it in the police department but
 18 I'm not real clear on that. I know we did it
 19 quickly. Whatever method it was done quickly.
 20 Q Was the chief sworn in more than once?
 21 A No. If he was I wasn't aware of it.
 22 MS. RICE: We're on 88. Mark that
 23 as 88, please.
 24 (Mr. Marrow's Deposition Exhibit
 25 No. 88 was marked for

129

1 identification.)
 2 (Document handed to witness for review.)
 3 BY MS. RICE:
 4 Q If you could take what's been marked as
 5 Exhibit 88 and review that document and let me
 6 know when you're done.
 7 A Okay.
 8 Q Are you familiar with the document
 9 that's been marked as Exhibit 88?
 10 A Yes.
 11 Q Can you describe it for the record,
 12 please?
 13 A It's a memo to Tommy Marrow, city
 14 manager from the Oxford Police Department command
 15 staff concerning Sharon Iglesias's employment.
 16 Q Was it received on or about
 17 January 10th, 2006?
 18 A Apparently so.
 19 Q And I'm sorry, was it received by you
 20 on or about January 10th, 2006?
 21 A Yes.
 22 Q Was this the first correspondence you
 23 received from the command staff regarding Sharon
 24 Iglesias?
 25 A From the command staff, yes, I believe

130

1 it was.
 2 Q What did you do upon receiving what's
 3 been marked as Exhibit 88?
 4 A I reviewed it. Actually I think they
 5 hand delivered it.
 6 Q Who?
 7 A We sat down and we talked about it.
 8 Q Who hand delivered it?
 9 A The command staff.
 10 Q All of the command staff?
 11 A Uh-huh. We sat down and talked about
 12 it and they were very very very very serious about
 13 the contents of this memo and that they
 14 respectively requested for me to -- to take some
 15 form of action.
 16 But I told them I just at that point
 17 could not do so but this was -- this was something
 18 very important. It basically said if -- that
 19 someone needed to go. Either Ms. Iglesias needed
 20 to go and/or we may lose some police officers,
 21 even members of the command staff. So I took this
 22 very seriously.
 23 Q And when you're referring to the
 24 command staff who -- who are you referring to?
 25 A Well, at the time it was Floyd Griffin,

131

1 Glen Boyd and Bob Williamson.
 2 Q Did all three -- did Bob Williamson,
 3 Glen Boyd and Floyd Griffin --
 4 A Uh-huh.
 5 Q -- all come and speak with you at the
 6 same time?
 7 Was anyone else present?
 8 A No.
 9 Q And, I believe, you said that this was
 10 hand delivered?
 11 A I believe it was.
 12 Q How long did you meet with the command
 13 staff?
 14 A How long did I meet with them?
 15 Q Yes, sir.
 16 A Thirty minutes maybe.
 17 Q What did you discuss during the
 18 meeting?
 19 A The contents of this.
 20 Q Okay. What specifically?
 21 A How she is being disruptive to the
 22 police department. Explained how she was talking
 23 to other officers, talking disrespectful, trying
 24 to discredit the chief in any way she could. And
 25 it was basically undermining their ability to

132

1 provide public safety in the City of Oxford.
 2 Q If you could read the last two
 3 sentences of Exhibit 88 on the first page.
 4 A Okay. And you and -- excuse me. It's
 5 all capitalized.
 6 Ms. Iglesias is now damaging the
 7 department's ability to work as a unit. She has
 8 publically damaged the Oxford Police Department
 9 and the city as a whole. We therefore
 10 respectfully request that some action be taken to
 11 either terminate her or remove her from this
 12 building immediately. We realize the position
 13 this puts you in but we need some relief. More
 14 than 90 percent of the department supports the
 15 chief and has come to us at one time or another
 16 wanting to know when something is going to be
 17 done. She has repeatedly violated her final,
 18 final warning regarding confidentiality. Now is
 19 the time for swift and decisive action.
 20 Q Did you ask the command staff how they
 21 knew that more than 90 percent of the department
 22 supports the chief?
 23 A That was -- no, I didn't ask them
 24 specifically, but the command staff -- that
 25 command staff is in charge of a hundred percent of

133

1 the employees of the Oxford Police Department.
 2 Each has a section of the police department
 3 they're responsible for. Even civilians -- from
 4 sworn officers down to the civilians. Someone
 5 reports to those three people.
 6 Q Did you ask them who in the department
 7 didn't support the chief?
 8 A No, I wasn't that interested in who was
 9 and who wasn't.
 10 Q Do you know which of the three members
 11 of the command staff drafted the document marked
 12 as Exhibit 88?
 13 A I do not.
 14 Q Where the document reads she has
 15 repeatedly violated her final, final warning
 16 regarding confidentiality --
 17 A Uh-huh.
 18 Q -- how would the command staff be privy
 19 to the contents of Ms. Iglesias's warning?
 20 A By her -- by her breaching it. They're
 21 aware that she breached it.
 22 Q They -- you're saying that the command
 23 staff was aware that she breached it. You're
 24 referring to her final warning?
 25 A Well, that's what they typed up that

134

1 they -- they had thought she had repeatedly
 2 violated her final warnings.
 3 Q And I'm sorry if I'm repeating myself.
 4 Was this the only written correspondence you
 5 received from the command staff regarding
 6 Ms. Iglesias?
 7 A Yes.
 8 MS. RICE: Eighty-nine.
 9 (Mr. Marrow's Deposition Exhibit
 10 No. 89 was marked for
 11 identification.)
 12 (Document handed to witness for review.)
 13 BY MS. RICE:
 14 Q Can you review what's been marked as 89
 15 and let me know when you have had an opportunity
 16 to do that.
 17 (Pause.)
 18 A Okay. I thumbed through it.
 19 Q All right. Are you familiar with the
 20 document that's been --
 21 A Yes.
 22 Q -- marked as 89?
 23 And are these your responses --
 24 A Yes.
 25 Q -- to Ms. Iglesias's first set of

135

1 requests for admissions, interrogatories and
 2 requests for production of documents?
 3 A Yes.
 4 Q And to the best of your knowledge are
 5 they accurate -- truthful and accurate?
 6 A Yes.
 7 Q If I could ask you to turn to I believe
 8 it's interrogatory number three of Exhibit 89.
 9 A Okay. What's your question?
 10 Q You reference in your response your
 11 answer. I recall in one press release which was
 12 released approximately January 27th, 2006 which
 13 was published in various media outlets. And any
 14 statements by me to the media would have been
 15 published around the same time period.
 16 Do you recall the contents of the press
 17 release -- the June 27th, 2006 press release to
 18 which you're referring?
 19 A I couldn't recite it to you but I
 20 remember doing it, yes.
 21 Q And I understand that you can't recite
 22 it verbatim.
 23 A Right.
 24 Q But do you recall generally its
 25 contents?

136

1 A That the city manager, the attorney,
 2 the other agencies had reviewed the undercover
 3 fund and in the handling of those funds by Chief
 4 Wolford and found no -- basically found no basis
 5 to pursue it any further as it was unfounded,
 6 nothing was -- documentation was -- supported his
 7 explanations.
 8 MS. RICE: I believe we're almost
 9 done. If we could just have a few minutes.
 10 MS. DAVIS: Sure.
 11 (A brief recess was taken.)
 12 BY MS. RICE:
 13 Q I apologize in advance. I'm going to
 14 jump around a little bit here. I'm trying to tie
 15 up some loose ends.
 16 A Okay.
 17 Q You testified earlier about presiding
 18 over, I believe, you called it a name clearing
 19 hearing?
 20 A Uh-huh.
 21 Q And that was sometime in the Fall of
 22 2004?
 23 A Uh-huh.
 24 Q Is that -- is the description of the
 25 term name clearing hearing is that one that you

137

1 came up with or --
 2 A I don't know. I don't think I did.
 3 I'm not sure who did.
 4 Q What's the purpose of a name clearing
 5 hearing?
 6 A I don't even know. I'm not a lawyer.
 7 I don't know. That was a term that was used but I
 8 don't recall what it stands for.
 9 Q Did you consider the transfer of
 10 Ms. Iglesias -- prior to that name clearing
 11 hearing did you consider that to be a disciplinary
 12 action?
 13 A No.
 14 Q Why not?
 15 A Not the lateral transfer, no. Because
 16 it's a lateral transfer at the same rate of pay.
 17 Hopefully with adequate training we were hoping it
 18 would work out.
 19 Q So the responsibilities of the job were
 20 different; is that --
 21 A Yes, responsibilities of the job were
 22 different.
 23 Q And I believe that you testified
 24 earlier that during the name clearing hearing
 25 Ms. Iglesias or her attorney at the time provided

138

1 you with an affidavit; is that accurate?
 2 A Ms. Iglesias submitted one or two
 3 affidavits.
 4 Q Was one of those from Susan Wolford?
 5 A Yes.
 6 Q Did you review the contents of the
 7 affidavits that were provided to you?
 8 A Yes, I perused them, but I wasn't there
 9 to discuss that. I was there to discuss the
 10 breach of confidentiality issues.
 11 Q At any point in time did you personally
 12 speak with Susan Wolford concerning Chief Wolford?
 13 A She tried to contact me early '04 or
 14 late '03. She called me by cell phone. I
 15 couldn't understand a word she was saying. I knew
 16 who -- I got the gist of who it was but I couldn't
 17 understand a word she was saying. I said please
 18 call back. She called back a few minutes later.
 19 We tried to talk again and could not hear a word
 20 she says. It was all broken up. I said call me
 21 on a land line. Never heard from her again.
 22 Q She called you from her cell phone?
 23 A Uh-huh.
 24 Q Did she --
 25 A Well, it appeared to be a cell phone.

139

1 It was in and out, in and out breaking up.
 2 Q Did she call you on your cell phone?
 3 A No, she called me -- I think she called
 4 me on my phone. So I told her go get a land line
 5 and call me. And she never did.
 6 Q Did she call you at work?
 7 A Uh-huh.
 8 (Interruption by reporter.)
 9 A Yes. Wait. What was the question?
 10 Q Did Susan Wolford call you on your work
 11 phone?
 12 A Yes.
 13 Q And that's your work land line phone?
 14 A Land line phone. Work land line phone.
 15 Q Did you ever share with the internal or
 16 external auditors any of the information that was
 17 provided to you by Chief Wolford concerning the
 18 drug fund?
 19 MS. DAVIS: I think this actually
 20 ought to be in the confidential section
 21 because this is talking about the
 22 investigation so.
 23 MS. RICE: I do have a couple of
 24 other confidential questions.
 25 MS. DAVIS: So we'll leave this to

140

1 that?
 2 MS. RICE: Yeah.
 3 MS. DAVIS: Okay.
 4 BY MS. RICE:
 5 Q What did you do in preparation for
 6 today's deposition?
 7 A Met with Robin to just review
 8 chronological order of events.
 9 Q Did you review any documents?
 10 A Just some of the documents that you
 11 provided me today. Interrogatories, the whole
 12 things we have had and looked at.
 13 Q Did you review any transcripts at the
 14 time?
 15 A The only transcript I reviewed was the
 16 one with Mayor Rumley sitting in my capacity as
 17 manager on her appeal. That's the only one.
 18 Q That was the appeal following
 19 Ms. Iglesias's --
 20 A Uh-huh.
 21 Q -- termination?
 22 A Yes.
 23 Q And did you review your own testimony
 24 at that hearing?
 25 A Excuse me?

141

1 Q Did you review your own testimony
 2 provided at that hearing?
 3 A Yes.
 4 Q And was your testimony at that time
 5 truthful and accurate?
 6 A Yes.
 7 Q Why did you reinstate Ms. Iglesias to
 8 her prior position following the name clearing
 9 hearing in the Fall of 2004?
 10 A I wanted to try to give her one more
 11 chance to be successful in the organization.
 12 Government -- local government is somewhat
 13 forgiving, I think, more so than the private
 14 sector.
 15 Q And, I believe, you testified earlier
 16 that -- that everything ran fairly smoothly until
 17 what point in time?
 18 A Fall of '05.
 19 Q Was there a mayoral reelection in the
 20 Fall of 2005?
 21 A Yes, every odd year.
 22 Q Based on your own investigation you
 23 concluded that Chief Wolford had not embezzled
 24 funds?
 25 MS. DAVIS: This is going to have